DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

August 15, 2023

7:00 PM

PRESIDING:	Alonzo L. Jones, Mayor	
CITY COUNCIL MEMBERS:	James B. Buckner L.G. "Larry" Campbell, Jr. Bryant Hood Barry P. Mayo	Dr. Gary P. Miller, Vice Mayor Sherman M. Saunders J. Lee Vogler, Jr., Madison J. Whittle
STAFF:	Ken F. Larking, City Manager Earl B. Reynolds, Jr., Deputy City Manager	W. Clarke Whitfield, Jr., City Attorney Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

Communications from Visitors

Communication from Visitors is an opportunity for citizens, who have signed up to speak, to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address, and shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - JAMES B. BUCKNER

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

PUBLIC HEARING

A. Consideration of Approval of Minutes from Regular Council Meeting held on July 18, 2023.
Council Letter Number CL - 750.

Consideration of Approval of Minutes from Regular Council Meeting held on July 18, 2023.

B. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Utility Revenue Bonds.
Council Letter Number CL - 663.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for the Proceeds from the Sale of Utility Revenue Bonds and Appropriating Same.
FINAL ADOPTION

APPOINTMENTS

A. Recommendations of Appointments to Boards and Commissions.
Council Letter Number CL - 774.

Recommendation of Appointments to Boards and Commissions.

NEW BUSINESS

A. Review of General Fund Financial Results as of June 30, 2023.
Council Letter Number CL - 623.

A brief presentation will be given on the General Fund financial results through June 30, 2023. Financial Statements are included.

B. Consideration of the Vacation of an Electric Utility Easement on Parcel No. 2430-62-3535 in Pittsylvania County.
Council Letter Number CL - 702.

1. Public Hearing

2. A Resolution Authorizing the Abandonment of an Unused and Unneeded City Easement Across Property in Pittsylvania County.

C. Consideration of the Vacation of Two Electric Utility Easements in Pittsylvania County.
Council Letter Number CL - 703.

1. Public Hearing

2. A Resolution Authorizing the Abandonment of Two Unused and Unneeded City Easements Across Property in Pittsylvania County.

D. Consideration of the Vacation of an Electric Utility Easement on Parcel No. 1376-15-5690 in Pittsylvania County.
Council Letter Number CL - 704.

1. Public Hearing

2. A Resolution Authorizing the Abandonment of an Unused and Unneeded City Easement Across Property in Pittsylvania County.

E. Consideration of a Revised Danville-Pittsylvania County Cost and Revenue Sharing Agreement.
Council Letter Number CL - 762.

A Resolution Approving and Authorizing an Amendment to the Revenue Sharing Agreement Between the City of Danville, Virginia and the County of Pittsylvania, Virginia Relating to the Sharing of Revenue from Financial Compensation Generated by any Future Solar Siting Agreements, in Lieu of a Local Tax, for Projects Located Within a Regional Park.

F. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for the Creative Communities Art Grant.
Council Letter Number CL - 714.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of $4,500, and to Provide for the Local Share in the Amount of $5,000 for a Total Grant of $9,500.
FIRST READING

G. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for an Aviation Promotion Grant.
Council Letter Number CL - 740.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of $5,000 and for the Local Share in the Amount of $5,000 to be Provided by the General Fund Support of Grants for a Total Appropriation of $10,000 and Appropriating Same.
FIRST READING

COMMUNICATIONS FROM VISITORS

Communication from Visitors is an opportunity for citizens, who have signed up to speak, to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

COMMUNICATIONS

A. City Manager

B. Deputy City Manager

C. City Attorney

D. City Clerk

E. Roll Call

ADJOURNMENT

Council Letter
City of Danville, Virginia

CL - 750 **CONSENT AGENDA A.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of Approval of Minutes from Regular Council Meeting held on July 18, 2023.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes from Regular Council Meeting held on July 18, 2023.

Attachments

1. 07-18-23 regular minutes - draft

July 18, 2023

The Second Regular July meeting of the Danville City Council was held on July 18, 2023, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, Bryant Hood, Mayor Alonzo L. Jones, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). L.G. "Larry" Campbell Jr. and Barry Mayo were absent. (2)

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield, Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member J. Lee Vogler, Jr. gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Presentation: Danville Police Department Four Year Accreditation
Presented by: Virginia Law Enforcement Professional Standards Commission

Mayor Jones recognized Martinsville Sheriff Steve Draper, a Commissioner of the Virginia Law Enforcement Professional Standards Commission, who came before Council to recognize the Danville Police Department for their commitment to law enforcement excellence, as evidenced by the successful completion of their recertification process of the Virginia Law Enforcement Accreditation program. This process involves bringing the administrative, operational, training, and personnel policies and practices of the department into compliance with one hundred and ninety-two professional standards of the Commission. This was the Danville Police Department's seventh accreditation.

Danville Police Chief Scott Booth thanked Council, the City Manager, and Deputy City Manager for giving the police department the tools necessary to receive this accreditation. Chief Booth also thanked his staff and the accreditation managers. Council Members congratulated Chief Booth and the Police Department on this achievement.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, Minutes from Regular Council Meeting held on June 20, 2023, and Work Session Meeting held on June 6, 2023, were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

NEW BUSINESS

CONSIDERATION OF THE EXPANSION OF THE RENTAL INSPECTION DISTRICT PROGRAM

Mayor Jones opened the floor for a Public Hearing regarding Expansion of the Rental Inspection District Program. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 13, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

DRAFT

ORDINANCE NO. 2023-07.06

AN ORDINANCE AMENDING CHAPTER 9, ENTITLED "BUILDING AND DEVELOPMENT REGULATIONS" OF THE CODE OF THE CITY OF DANVILLE, MORE SPECIFICALLY ARTICLE VIII, ENTITLED "RENTAL HOUSING INSPECTIONS", SECTION 9-196, ENTITLED "RESIDENTIAL RENTAL HOUSING INSPECTION DISTRICTS REESTABLISHED; APPLICABILITY" TO ADD (A)(4) AND (A)(5) CREATING A FOURTH AND FIFTH RENTAL INSPECTION DISTRICT.

The Motion was **seconded** by Council Member Buckner.

Council Member Whittle asked if any restrictions were added to this, and City Manager Ken Larking stated that no restrictions were added, just additional coverage areas.

The **Motion** was carried by the following vote:

VOTE: 7-0-2
AYE: Buckner, Hood, Jones, Miller, Saunders, Vogler and Whittle (7)
NAY: Campbell, Mayo (2)

CONSIDERATION OF THE FISCAL YEAR 2023-24 COMMUNITY DEVELOPMENT PROGRAM ONE YEAR ACTION PLAN

Mayor Jones opened the floor for a Public Hearing regarding the HUD One Year Action Plan. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 13, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2023-07.16

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR ACTION PLAN.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

VOTE: 7-0-2
AYE: Buckner, Hood, Jones, Miller, Saunders, Vogler and Whittle (7)
NAY: Campbell, Mayo (2)

CONSIDERATION OF A RESOLUTION IN SUPPORT OF A PROPOSED WATER MAIN EXTENSION TO VIRGINIA INTERNATIONAL RACEWAY

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2023-07.17

DRAFT

A RESOLUTION SUPPORTING THE OPERATIONAL FRAMEWORK FOR A WATER MAIN EXTENSION TO THE VIRGINIA INTERNATIONAL RACEWAY CAMPUS.

The Motion was **seconded** by Council Member Whittle.

Council Member Saunders noted that this was another example of the City of Danville partnering with their neighbors; VIR was a major partner with the City of Danville. Mr. Saunders stated he would like to applaud the City Manager for working this out with everyone, and thanked Council for supporting it. Council Member Buckner asked if this was a partnership with the Pittsylvania County Service Authority, along with the City of Danville, and would the City be splitting the cost with them, or was it about setting forth the plan to do so. Mr. Larking noted that this resolution was more about the operations and not who was paying for it. Halifax County was trying to get a grant from the EDA to help pay for the water line; they have already secured some funds from the state. The EDA wanted to make sure that the City of Danville and Pittsylvania County agreed to work with Halifax County to get water delivered from the City of Danville to Halifax County for the purpose of serving VIR. The City has not agreed on how to pay for it. Council Member Buckner asked if taps would be allowed along the way, and Mr. Larking noted they would be allowed but that was up to Pittsylvania County. All the water line that was needed for the City of Danville goes to Pittsylvania County; the water line would connect to the Pittsylvania County system and deliver water from the City's utility department. Council Member Vogler noted this was a serious need for VIR for a long time, and for the City to step in and help was a major thing; VIR was fantastic for the entire region. Mr. Whittle asked if this was a $3M dollar spread, and Mr. Larking explained that they had $5M available to spend toward an $8.9 million project.

The **Motion** was carried by the following vote:

VOTE:	7-0-2
AYE:	Buckner, Hood, Jones, Miller, Saunders, Vogler and Whittle (7)
NAY:	Campbell, Mayo (2)

COMMUNICATIONS

The City Manager, Deputy City Manager, City Attorney, and the City Clerk did not have anything this evening.

Vice Mayor Miller noted that several members of Council went to the PLAN Danville meeting in the Almagro community, to represent the City and listen to what the citizens would like to see for their community. Dr. Miller discussed the history of the community when it was first incorporated into the City with its own fire and police departments, post office and hospital; it was an amazing area. The citizens want to keep their history intact, asked for the usual things like curbs and gutters, better roads and streets, asked to keep their fire station and have more police patrols in the neighborhood, and have Oak Grove Cemetery mowed more often. It was interesting to hear all the citizens.

Council Member Saunders noted that Danville was growing and will continue to grow. This past weekend he rode around, and it was amazing to see the restaurants filled, and so many things going on in the City. To the police department, it was better for people to see police officers as neighbors and friends, and appreciated the leadership from the police chief and leaders in the City as well. Mr. Saunders noted his congratulations to Mildred Richardson on being named the principal of Woodberry.

DRAFT

Council Member Vogler noted it has been a great summer out at the ballpark with the Danville Otterbots; they set an attendance record a few weeks back with over 3,000 people attending. People were coming from all over and Mr. Vogler reminded citizens that the Otterbots were playing tonight. They were in a battle for first place, and have been very competitive. Mr. Vogler stated the crew that takes care of the field was the best, the field was in great shape; they were doing a great job. Mr. Vogler noted that Council has had this discussion before, but that park needs upgrading, it was 30 years old; other parks are making big upgrades, and they want to make sure they put the best facility and fan experience forward.

Council Member Whittle congratulated the police department for an outstanding job, and all City departments. There were hundreds of jobs in the City and plenty of jobs available for those who were looking for employment. Mr. Whittle noted several meetings ago a group of individuals were here to speak about a camping ordinance, and asked if a group was formed to help with that issue. Mr. Larking stated they did engage a group to help the City study the issue and see what the City can do to help alleviate that. A report was done over a few months, and he has a series of recommendations on how the City can collectively address that issue as far as helping people find homes. With regard to camping on public property, he believes that ordinance was on the Table, and City Attorney Clarke Whitfield confirmed it was postponed indefinitely so it could be brought up at any future Council meeting at any time. Mr. Whittle asked that those individuals be a part of the solution. Mr. Larking noted staff has had conversations and they have been included in that.

Mayor Jones thanked Council for all that they do; Council Members Campbell and Mayo were on vacation. Mayor Jones noted he and Mark Aron went to Woodberry and interviewed the new Principal, Mildred Richardson and Assistant Principal, Rayshawn Woodson; there was a link on River City TV that people can go to in order to find out how they can partner with the school system. Mayor Jones stated there will be a Youth Summit Saturday, August 5 from 11am to 2 pm at 3421 Kerns Church Road in Sutherlin, VA.

CLOSED MEETING

At 7:35 p.m., Vice Mayor Miller **moved** that this meeting of the City Council of the City of Danville, Virginia be recessed and that Council immediately reconvene in a Closed Meeting for the following purposes: consultation with legal counsel and briefing by staff members or consultants pertaining to actual or potential litigation in which such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body permitted by Subsection (A)(7) of Section 2.2-3711 of the Code of Virginia, 1950, as amended.

The Motion was **seconded** by Council Member Buckner and carried by the following vote:

VOTE: 7-0-2
AYE: Buckner, Hood, Jones, Miller, Saunders, Vogler and Whittle (7)
NAY: Campbell, Mayo (2)

Upon unanimous vote at 8:22 p.m., Council reconvened in open session and Vice Mayor Miller **moved** for adoption of the following Resolution:

DRAFT

July 18, 2023

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements of Virginia Law under Section 2.2-3711 were heard, discussed or considered, and (ii) only such public business matters as were identified in the Motion by which the Closed Meeting was convened were heard, discussed or considered by the Committee.

The Motion was **seconded** by Council Member Buckner and carried by the following vote:

VOTE: 7-0-2
AYE: Buckner, Hood, Jones, Miller, Saunders, Vogler and Whittle (7)
NAY: Campbell, Mayo (2)

MEETING ADJOURNED AT 8:23 P.M.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

DRAFT

Council Letter
City of Danville, Virginia

CL - 663 **CONSENT AGENDA B.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Utility Revenue Bonds.

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for the Proceeds from the Sale of Utility Revenue Bonds and Appropriating Same.
FINAL ADOPTION

SUMMARY

The City Council has authorized the issuance of Revenue Bonds to finance various utility infrastructure projects. The attached ordinance is a flexible ordinance providing for posting of proceeds from the sale of bonds.

BACKGROUND

On March 21, 2023, City Council approved a Resolution providing for the issuance and sale of utility revenue bonds not to exceed $7,500,000 to finance various utility infrastructure projects.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance amending the Fiscal Year 2024 Budget Appropriation Ordinance for Utility revenue bonds.

Attachments

1. Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR THE PROCEEDS FROM THE SALE OF UTILITY REVENUE BONDS AND APPROPRIATING SAME.

WHEREAS, the City of Danville, Virginia has issued revenue bonds in the amount of $6,480,000 to finance various utility infrastructures; and

WHEREAS, the Council of the City of Danville, Virginia approved on March 21, 2023, a Resolution providing for the issuance and sale of utility revenue bonds not to exceed $7,500,000.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended by the funds from the sale of bonds and appropriating same, as follows:

ANTICIPATED REVENUE

Description	Account No.	Amount
Electric Fund:		
Proceeds from the Sale of Bonds	61029000-43023	$3,000,000
	TOTAL	**$3,000,000**

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Electric Fund:		
Substation Upgrades and Rebuilds	61029999-50	$3,000,000
	TOTAL	**$3,000,000**

ANTICIPATED REVENUE

Description	Account No.	Amount
Water Fund:		
Proceeds from the Sale of Bonds	61542000-43023	$4,000,000
	TOTAL	**$4,000,000**

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Water Fund:		
Water – RIFA Berry Hill Industrial Park	61542999-50	$4,000,000
	TOTAL	**$4,000,000**

BE IT FURTHER ORDAINED that this appropriation shall be a flexible budget allowing for the posting of the proceeds to the appropriate accounts to accommodate the actual bond issuance costs; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Council Letter
City of Danville, Virginia

CL - 774 **APPOINTMENTS A.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Recommendation of Appointments to Boards and Commissions.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Recommendation of Appointments to Boards and Commissions.

Attachments

None

Council Letter
City of Danville, Virginia

CL - 623 **NEW BUSINESS A.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Review of General Fund Financial Results as of June 30, 2023.

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

A brief presentation will be given on the General Fund financial results through June 30, 2023. Financial Statements are included.

Attachments

1. Financial Statements

City of Danville
Department of Finance
Michael Adkins, Director

To: **Ken F. Larking, City Manager**

From: **Michael L. Adkins, Chief Financial Officer**

Date: **August 7, 2023**

Subject: Summary of Preliminary General Fund Financial Results for June 30, 2023

The accompanying June 30, 2023, financial statements are preliminary and unaudited. Many of the year-end closing entries are dependent upon third-party reports from actuaries, insurance administrators, and others. We still have several outstanding items to prepare and post, but we believe all material items have been recorded at this time. As you review the financial statements, please be mindful some balances may change. Despite the outstanding items, the financial statements presented here should give a good indication of General Fund financial performance for FY 2023.

Unaudited results for the fiscal year ended June 30, 2023, show revenues exceeding budget at 102%, reflecting a 9% increase or $10 million over the prior year. Revenue exceeded budgeted collections in almost every category except for fines & forfeitures, charges for services, categorical aid, and transfers from other funds. Expenditures show a positive budget variance, with actual expenditures totaling $119 million compared to original budget of $133 million. The primary source of this positive variance relates to unexpended support to Danville Public Schools; these funds will be earmarked for the Schools and carried over to the next fiscal year as part of the restricted fund balance. Vacancy savings in most all departments was the significant contributor to the remainder of the positive expenditure variance. The positive budget variances resulted in surplus revenues of $8.2 million, a portion of which, currently about $2.8 million, will be added to the City's unassigned fund balance.

Current real estate tax revenue amounted to approximately $19.1 million through June 30, which represents 101.6% of the FY 2023 budget and about $500,000 more than the prior fiscal year. Delinquent real estate collections performed well compared to budget with about $863,000 (81%) realized for FY 2023. Current personal property tax collections were ahead of budget with collections through June 30 amount to $13 million or 103% of budget. Collection of delinquent personal property totaled $1.5 million surpassing the budget of $1.1 million. Assessed values of personal property exceeded budgeted expectations, and the continued use of our outside collection agency produced very good results in the collection of delinquent accounts.

The budgetary shortfall of $1.1 million seen in Charges for Services relates primarily to decreased charges for the Jail, Juvenile Detention, and Adult Detention services. A lower

than usual census at the facilities resulted in lower costs in these areas as well. State Categorical aid shows a budgetary shortfall of $1.2 million from decreased expenditures in Social Services.

Local taxes collected through June 30 were $39 million or 113% of budget and ahead of prior year-to-date collections of $33 million. Sales tax collections through June amounted to $11.7 million or 104% of budget, an increase of $833,000 from last year, reflecting retail sales growth and inflationary effects. Meals taxes collected for the fiscal year amounted to $1.2 million or 104% of budget, an increase of $1.1 million over the prior year. COVID-19 safety mandates were still in effect for much of the prior fiscal year, being lifted in the final few months, thus allowing restaurants to operate closer to full capacity. Business licenses realized at the end of June were almost $7 million or 116% of budget, an increase of $1 million from the prior year, reflecting new businesses as well as inflationary effects on sales-based licenses. Lodging taxes received as of June 30 were $2.7 million, lagging budget slightly at 93%, but still reflecting an increase of $582,000 over the prior year. Bank stock tax revenues are ahead of both budget and the prior year at $1,044,678. In November of 2022, Caesars Virginia announced its plans to open a temporary casino by July 2023, however, the temporary casino opened early in May of 2023, thus producing unanticipated revenue in FY 2023. With the temporary casino opening, casino revenue realized through June 30 was $2.6 million. Except for utility taxes and recordation taxes all other consumer-driven taxes ended the fiscal year ahead of the prior year and budget.

Significant increases in interest rates produced a return on invested funds that exceeded both the FY 23 budget and the prior year results. Revenue from Use of Money & Property as of June 30, 2023, was over $1.5 million, compared to a budget of about $700,000.

Unaudited expenditures through June 30 were $119 million or 89% of budget. This is an increase of about $1.6 million over the prior year. Departmental spending for the year was 91% of budget and shows an increase of $9.1 million over the prior year. This increase in departmental expenditures can be attributed to an overall increase in salary and benefits of $5.6 million due to pay-for-performance increases, the minimum wage adjustment implemented in January, and the pay study changes implemented May 2, 2023. The remaining increase for department expenditures can be attributed to the timing of payments for maintenance service contracts within general government and an increase in public safety for worker's compensation claims, along with operating expenses related to the new police headquarters. The remaining overall increase was the result of increased budgeted transfers to the Capital Improvement Fund of $2.1 million for the Riverfront Park Construction offset by a decrease in transfers to Danville Public Schools $8.3 million. The school system did obligate most of the unspent funding through purchase orders for operations, prior to June 30.

Non-departmental expenses, mostly comprised of debt service and employee benefits, increased nearly $1 million over the prior year and are ahead of budget. The increase is attributable to costs associated with higher utilization of group health insurance.

Total General Fund revenues currently exceed expenditures by $8,160,795. Unassigned fund balance at June 30, 2023, is currently $37 million as compared to $34.2 million at June 30, 2022, an increase of $2.8 million.

The Finance Department worked with Brown Edwards, our independent auditors in June on preliminary FY 2023 audit work. The auditors will complete final fieldwork in September. As the Finance Department completes the year-end closeout process, I will keep you informed of our progress and any significant changes to the preliminary FY 2023 results.

CITY OF DANVILLE, VIRGINIA
GENERAL FUND REPORT
100% OF YEAR LAPSED AS OF JUNE 30, 2023
PRE-CLOSING FIGURES - SUBJECT TO CHANGE - UNAUDITED

	Budgets & Appropriations For Current Year	Actual Revenues & Expenditures For Year-to-Date	Percent Realized/Expended This Year	Encumbrances	Balance to be Realized/Expended	Actual Revenues & Expenditures At This Date Last Year
REVENUES:						
Property Taxes	$ 36,963,520	$ 38,066,740	102.98%		$ (1,103,220)	$ 36,965,039
Other Local Taxes	34,679,500	39,062,863	112.64%		(4,383,363)	32,703,085
License Permits & Privilege Fees	283,330	524,297	185.05%		(240,967)	695,525
Fines & Forfeitures	299,600	219,762	73.35%		79,838	259,670
Revenue From Use Money & Property	703,456	1,523,146	216.52%		(819,690)	(344,177)
Charges For Services	3,389,630	2,312,396	68.22%		1,077,234	2,237,565
Miscellaneous Revenue	49,771	117,884	236.85%		(68,113)	230,529
Recovered Cost	8,585,566	9,093,392	105.91%		(507,826)	8,447,578
Non-Categorical Aid	5,528,740	5,610,658	101.48%		(81,918)	5,402,077
Shared Expenses (Categ. Aid State)	5,637,550	5,771,572	102.38%		(134,022)	5,542,376
Categorical Aid (State)	10,140,013	8,905,139	87.82%		1,234,874	8,265,981
Emergency Services (Federal)	27,020	27,013	99.97%		7	27,013
Categorical Aid (Federal)	-	9,435	0.00%		(9,435)	65,645
Transfers From Utilities/Other Funds	17,673,000	15,709,000	88.89%		1,964,000	16,382,603
TOTAL REVENUES	**$ 123,960,696**	**$ 126,953,297**	**102.41%**		**$ (2,992,601)**	**$ 116,880,510**
EXPENDITURES:						
General Government Administration	$ 14,006,378	$ 13,266,395	94.72%	$ 187,458	$ 552,525	$ 11,028,911
Judicial Administration	8,947,433	8,395,929	93.84%	27,900	523,603	7,694,900
Public Safety	38,520,839	35,392,667	91.88%	339,393	2,788,778	31,124,303
Public Works	5,654,249	4,990,688	88.26%	16,512	647,049	4,289,649
Health, Education, Welfare & Soc. Svc.	9,685,728	8,312,676	85.82%	25,986	1,347,065	7,813,404
Parks, Recreation & Cultural	5,959,619	5,176,311	86.86%	34,154	749,154	4,684,010
Community Development	2,682,155	2,023,934	75.46%	55,834	602,387	1,814,564
Non-Departmental	13,055,839	15,706,654	120.30%	-	(2,650,815)	14,722,695
Transfer to Schools - Operating	29,587,643	20,218,159	68.33%	8,593,754	775,730	28,530,611
Transfer to Capital Projects	3,396,840	3,396,850	100.00%	-	(10)	3,602,460
Transfer to Other Funds	1,867,930	1,912,238	102.37%	-	(44,308)	1,857,821
TOTAL EXPENDITURES	**$ 133,364,653**	**$ 118,792,502**	**89.07%**	**$ 9,280,992**	**$ 5,291,160**	**$ 117,163,327**
Revenue over/(under) Expenditures		$ 8,160,795				$ (282,817)
FUND BALANCE:						
Beginning Fund Balance 07/01/2022		$ 46,401,528				$ 47,090,495
Revenue over/(under) Expenditures		8,160,795				(282,817)
Ending Fund Balance 06/30/2023		**$ 54,562,323**				**$ 46,807,678**
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		$ 17,519,357				$ 12,579,701
Unassigned		37,042,966				34,227,978
TOTAL FUND BALANCE 06/30/2023		**$ 54,562,323**				**$ 46,807,678**

CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF JUNE 30, 2023

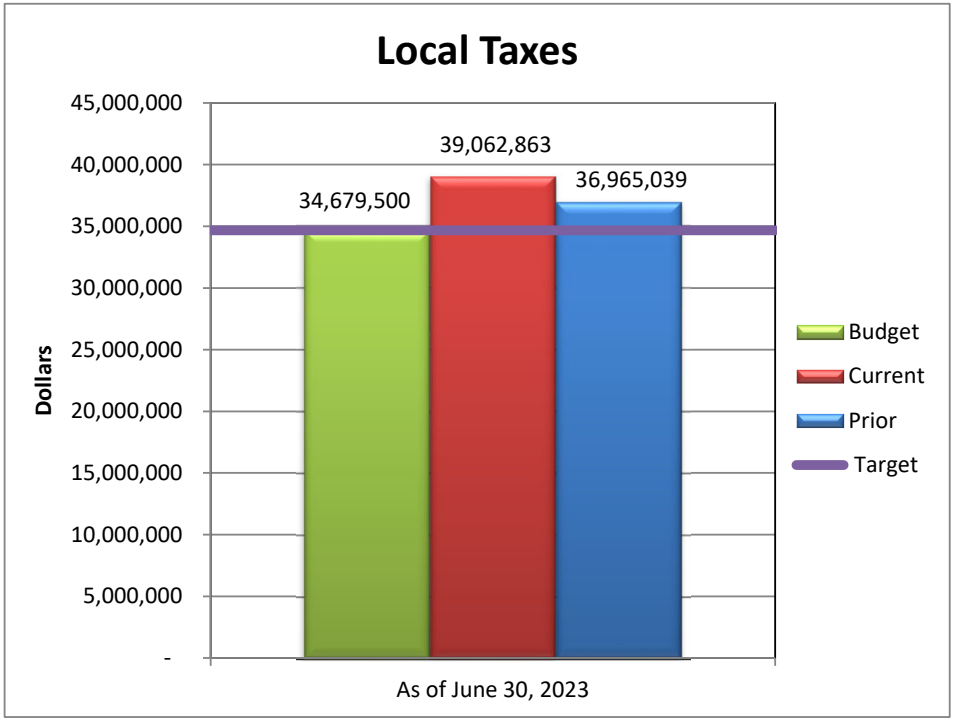
Beginning Total Fund Balance, July 1, 2022	46,401,528.32
Add: General Fund Revenues	126,953,296.66
Deduct: General Fund Expenditures	(118,792,501.77)
Ending Total Fund Balance, June 30, 2023	54,562,323.21

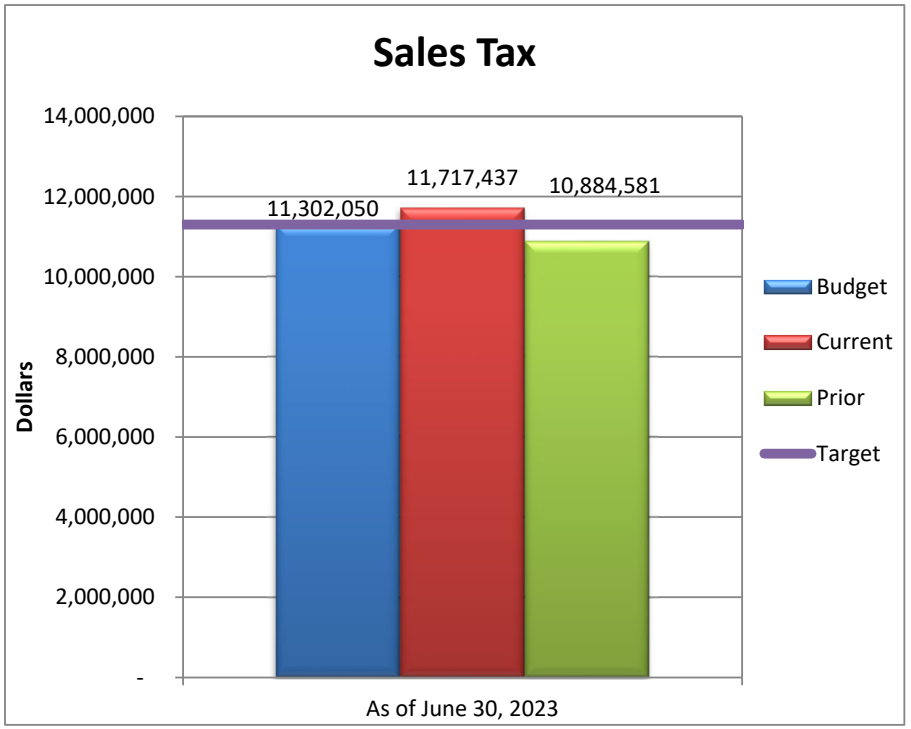
Composition of Fund Balance:	
Restricted for Commonwealth Attorney	94,671.60
Restricted for Police Department	28,597.86
Restricted for Fire Department	132,802.75
Committed for Sheriff's Department	2,183.17
Committed to Schools	9,369,483.96
Committed to Budget Stabilization	3,000,000.00
Assigned to Sheriff's Department	12,006.54
Assigned to Community Development	61,860.99
Assigned for Encumbrances	687,237.73
Assigned Casino Revenue	2,623,179.00
Nonspendable (Inventory and Prepaids)	1,507,333.87
UNASSIGNED	**37,042,965.74**
Total Fund Balance, June 30, 2023	54,562,323.21

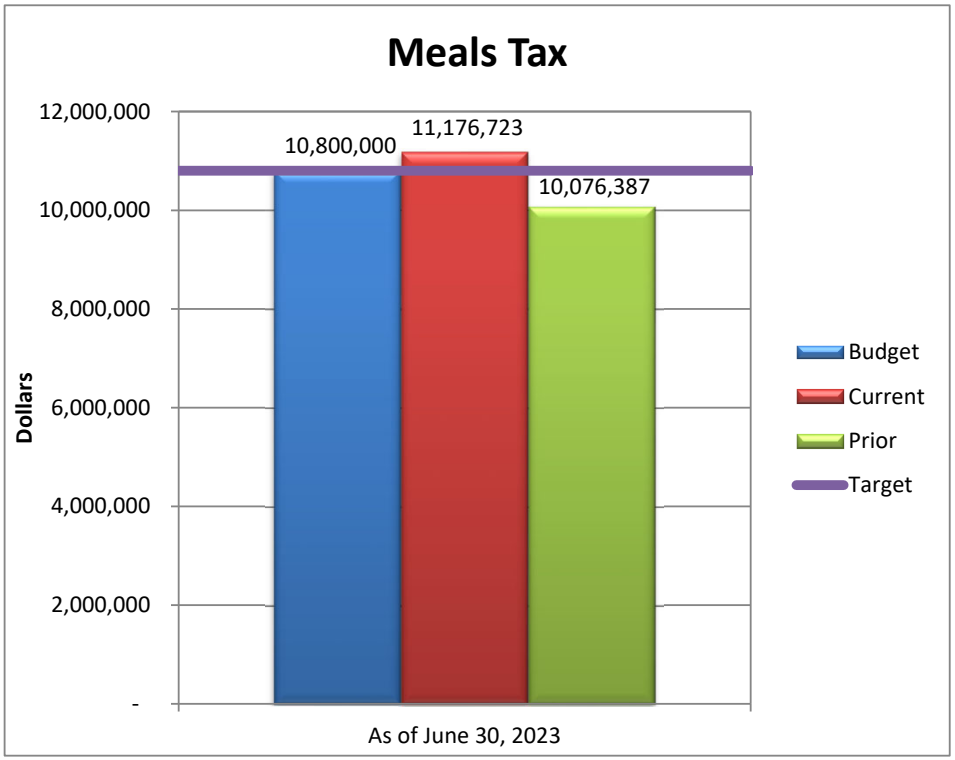
Unassigned fund balance from above	37,042,965.74
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2023 budget	24,792,139.15
Current surplus (deficit) over (under) minimum	12,250,826.59

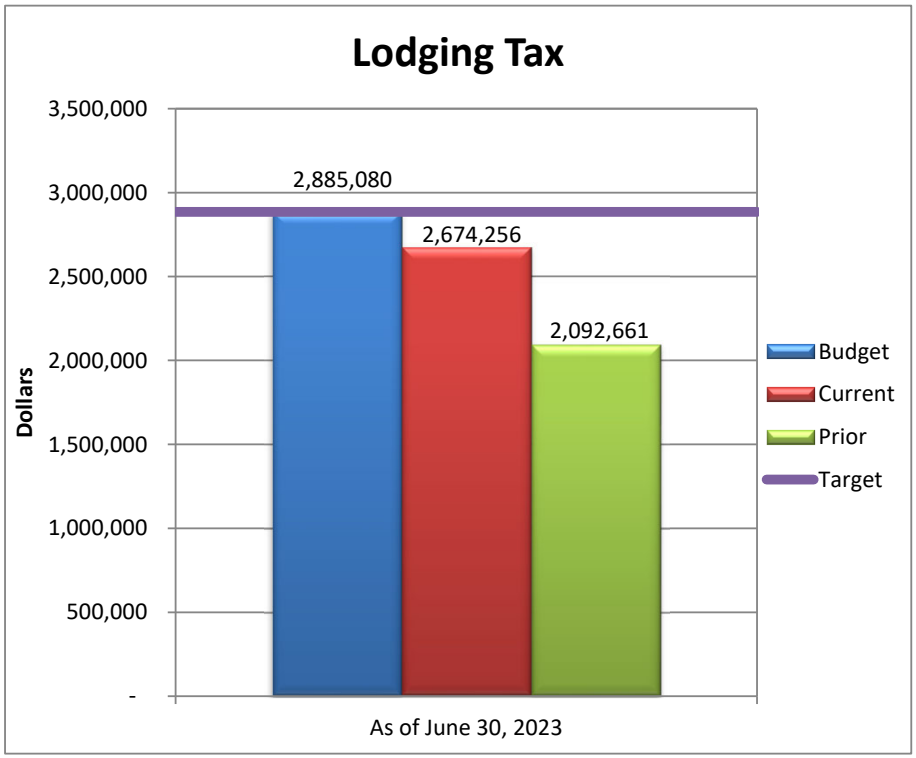
City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending June 30, 2023

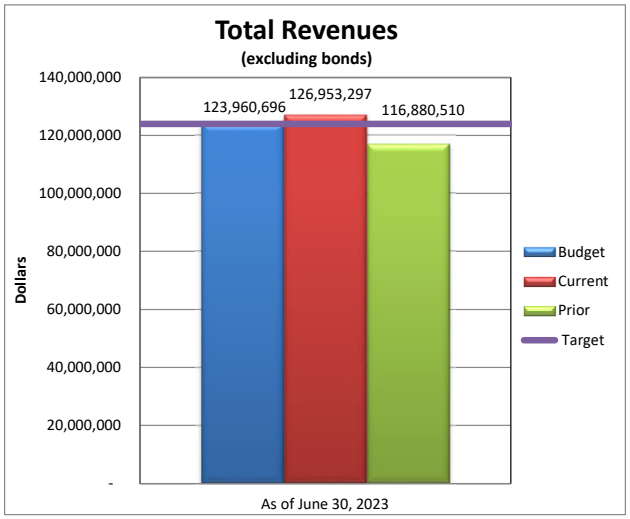
Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	$ 11,302,050	$ 11,717,437	103.68%	$ 10,115,880	$ 10,884,581	107.60%
Business Licenses	6,030,000	6,971,553	115.61%	5,450,000	5,928,912	108.79%
Meals Tax	10,800,000	11,176,723	103.49%	9,471,320	10,076,387	106.39%
Utility Taxes	930,000	936,030	100.65%	940,000	938,023	99.79%
Vehicle License Fees	1,000,000	1,067,734	106.77%	1,000,000	951,360	95.14%
Bank Stock Tax	1,000,000	1,044,678	104.47%	940,000	1,022,661	108.79%
Recordation Tax	270,000	335,759	124.36%	200,000	353,935	176.97%
Hotel Motel Tax	2,885,080	2,674,256	92.69%	1,811,630	2,092,661	115.51%
Daily Property Rental Tax	12,370	19,963	161.38%	13,200	15,972	121.00%
Motor Vehicle Tax	200,000	234,748	117.37%	162,000	212,479	131.16%
DMV Fees	250,000	260,803	104.32%	260,000	226,114	86.97%
Casino Tax	-	2,623,179	0.00%	-	-	0.00%
TOTAL	$ 34,679,500	$ 39,062,863	112.64%	$ 30,364,030	$ 32,703,085	107.70%

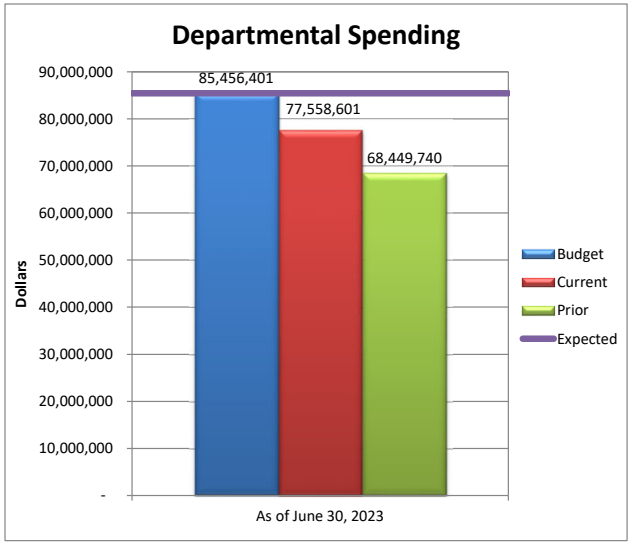

Local Taxes
45,000,000
40,000,000
35,000,000
30,000,000
25,000,000
20,000,000
15,000,000
10,000,000
5,000,000
-
Dollars
34,679,500
39,062,863
36,965,039
Budget
Current
Prior
Target
As of June 30, 2023

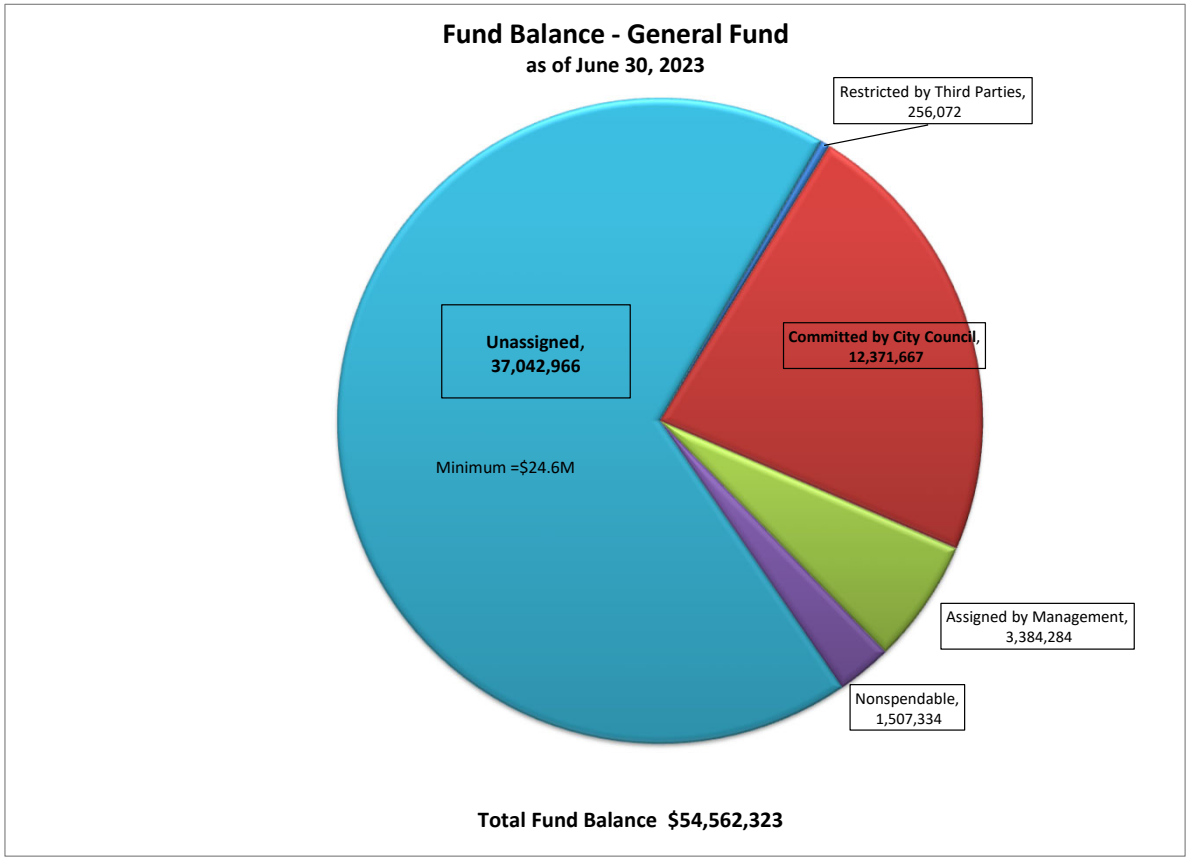

Sales Tax
14,000,000
12,000,000
10,000,000
8,000,000
6,000,000
4,000,000
2,000,000
-
Dollars
11,302,050
11,717,437
10,884,581
Budget
Current
Prior
Target
As of June 30, 2023


Meals Tax
12,000,000
10,000,000
8,000,000
6,000,000
4,000,000
2,000,000
-
Dollars
10,800,000
11,176,723
10,076,387
Budget
Current
Prior
Target
As of June 30, 2023


Lodging Tax
3,500,000
3,000,000
2,500,000
2,000,000
1,500,000
1,000,000
500,000
-
Dollars
2,885,080
2,674,256
2,092,661
Budget
Current
Prior
Target
As of June 30, 2023


Total Revenues
(excluding bonds)
140,000,000
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
-
Dollars
123,960,696
126,953,297
116,880,510
Budget
Current
Prior
Target
As of June 30, 2023


Departmental Spending
90,000,000
80,000,000
70,000,000
60,000,000
50,000,000
40,000,000
30,000,000
20,000,000
10,000,000
-
Dollars
85,456,401
77,558,601
68,449,740
Budget
Current
Prior
Expected
As of June 30, 2023


Fund Balance - General Fund
as of June 30, 2023
Restricted by Third Parties, 256,072
Committed by City Council, 12,371,667
Unassigned, 37,042,966
Minimum =$24.6M
Assigned by Management, 3,384,284
Nonspendable, 1,507,334
Total Fund Balance $54,562,323

Council Letter
City of Danville, Virginia

CL - 702 **NEW BUSINESS B.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of the Vacation of an Electric Utility Easement on Parcel No. 2430-62-3535 in Pittsylvania County.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

1. Public Hearing

2. A Resolution Authorizing the Abandonment of an Unused and Unneeded City Easement Across Property in Pittsylvania County.

SUMMARY

City Staff is seeking approval to release an unused electric easement on Bethel Road on Parcel No. 2430-62-3535.

BACKGROUND

The City holds an unused electric utility easement on No. Parcel 2430-62-3535 located on Bethel Road in Pittsylvania County. The original easement was executed and recorded in December 2022. The homeowner requested the easement to be changed to a different location due to a change in the layout of a newly constructed home on Bethel Road in Pittsylvania County. A new easement has been executed and recorded, and the home was built in the spring of 2023.

RECOMMENDATION

Staff recommends vacating the easement at Parcel No. 2430-62-3535 on Bethel Road in Pittsylvania County.

Attachments

1. Resolution
2. Deed of Vacation

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 ____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF AN UNUSED AND UNNEEDED CITY EASEMENT ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

WHEREAS, the City of Danville holds an unused utility easement upon a parcel of real property located in Pittsylvania County identified as Parcel No. 2430-62-3535 (the "Property"); and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing easement on the Property; and

WHEREAS, the owners of the Property wish for the City to vacate and abandon its unused easement upon the Property.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the easement across the above-referenced Pittsylvania County Parcel, said easement identified in the attached Schedule "A"; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easement.

Approved:

_____

Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Schedule “A”

A permanent 10’ easement for underground secondary electric lines along the left side of the property of 294 Bethel Rd., located in Pittsylvania County, Virginia upon the Property presently designated as Parcel ID #2430-62-3535, and presently owned by Willie Earl Wiles, said easement recorded in the Clerk’s Office of the Circuit Court of Pittsylvania County, Virginia by deed dated January 25, 2023 as Instrument #23-789.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above-reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

This deed is exempt from Grantor's and Grantee's tax pursuant to Va. Code § 58.1-810(1).

Tax Map/Parcel ID #2430-62-3535
Title Insurance: None

THIS **DEED OF VACATION** made this the _____ day of _____, 202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation of the Commonwealth of Virginia**, **GRANTOR**, and **WILLIE EARL WILES, GRANTEE**,

W I T N E S S E T H:

WHEREAS, Grantor holds a certain easement across a parcel of real property located in Pittsylvania County, Virginia, identified as Parcel No. 2430-62-3535 (the "Property"), conveyed on January 25, 2023 and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia as Instrument #23-789 (the "Easement"); and

WHEREAS, Grantor no longer has any intended need for the Easement and desires to vacate the Easement on the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City vacate the Easement on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(*Remainder of page intentionally left blank*)

WITNESS the following signatures and seals:

THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia

BY: _____
KEN F. LARKING
City Manager

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the _____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____
C. RYAN DODSON
Assistant City Attorney
VSB #90680

Council Letter
City of Danville, Virginia

CL - 703 **NEW BUSINESS C.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of the Vacation of Electric Utility Easements in Pittsylvania County.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

1. Public Hearing

2. A Resolution Authorizing the Abandonment of Two Unused and Unneeded City Easements Across Property in Pittsylvania County.

SUMMARY

City Staff is seeking approval to release two unused electric easements on Michaux Road on Parcel 1336-30-1075 in Pittsylvania County.

BACKGROUND

The City holds two unused electric utility easements on Parcel 1336-30-1075 located on Michaux Road in Pittsylvania County. Dominion Power has requested that the City vacate the unused easements for a potential solar farm. The City has no need to maintain the easements for the original intended purposes.

RECOMMENDATION

Staff recommends vacating the easements on Parcel 1336-30-1075 on Michaux Road in Pittsylvania County.

Attachments

1. Resolution
2. Wilson Easement Agreement Bk. 534 Pg.628
3. Deed of Vacation - Wilson
4. Michaux - Wilson Property Exhibit - 2023 0516
5. Wilson City of Danville Easement Bk. 360 Pg. 311 (1)

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 ____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF TWO UNUSED AND UNNEEDED CITY EASEMENTS ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

WHEREAS, the City of Danville holds two (2) unused utility easements upon a parcel of real property located in Pittsylvania County identified as Parcel No. 1336-30-1075 (the "Property"); and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing easements on the Property; and

WHEREAS, the owners of the Property wish for the City to vacate and abandon its unused easements upon the Property.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the easements across the above-referenced Pittsylvania County Parcel, said easements identified in the attached Schedule "A"; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easement.

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Schedule "A"

Easement No. 1

A permanent easement for the installation and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #1336-30-1075, and presently owned by Donion W. Wilson and Olivia V. Wilson, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated May 20, 1955 in Deed Book 360, at page 311.

Easement No. 2

A permanent easement for the installation and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #1336-30-1075, and presently owned by Donion W. Wilson and Olivia V. Wilson, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated February 23, 1971 in Deed Book 534, at page 628.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above-reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

BOOK 534 PAGE 628

Received of the City of Danville One Dollar, the receipt of which is hereby acknowledged, in consideration of which We hereby grant unto said City, its successors or assign, the right to install, erect, operate, and maintain its electric lines and facilities upon, over and underneath and those of such other system or systems as are duly authorized by the City to jointly use its poles or trenches, including all necessary poles, conduit, cable, anchors, and fixtures upon, over and underneath the property which We own in Pittsylvania County, State of Virginia; to trim or cut any tree or trees so as to keep line, wires, and underground conduit, cable, etc. clear at least fifteen feet, and to make such other connections as are necessary to supply future users of electricity; said sum being received in full payment therefor.

Witness our hand and seal this 14th day of December A. D., 1970

ATTEST:

Dorothy C. Thompson
Spray Water Power & Land Co.

W. P. Bickham (Seal)
President.
Spray Water Power & Land Co.

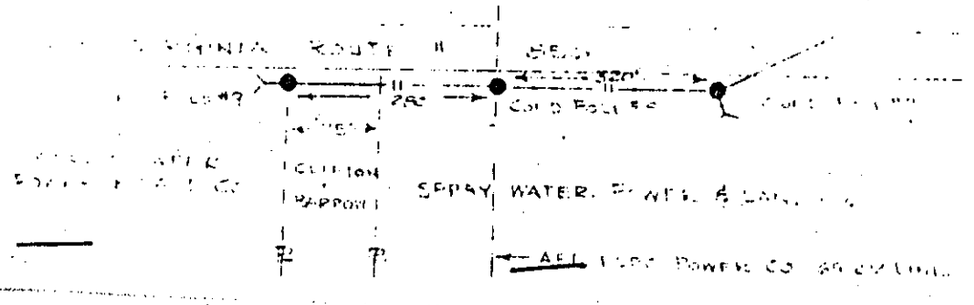
State of Virginia, Rockingham County, to - wit:
State of North Carolina

I, Camilla Roberson a Notary Public of the State of ~~Virginia~~ North Carolina in and for the County of Rockingham aforesaid, do hereby certify that W. P. Bickham, whose name as President of Spray Water Power & Land Co. is signed to the foregoing easement bearing date on 14th day of December 1970, personally appeared before me this day in my said County, and in the name and on behalf of Spray Water Power & Land Co. acknowledged the said easement as the act and deed of said corporation and made oath that he is President of said Corporation and that the seal affixed to said deed is the true and correct seal of said Corporation and that it has been affixed by due authority.

Given under my hand this 14th day of December 1970

Camilla Roberson
Notary Public

My Commission expires 18th day of February 1971



VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF PITTSYLVANIA, ON THE 23rd DAY OF February 1971 AT 9:00 A.M. THE FOREGOING writing & map UPON ITS CERTIFICATE OF ACKNOWLEDGMENT WAS ADMITTED TO RECORD, TAX UNDER SECTION 58.54 (a), and (b), HAVING BEEN PAID IN THE AMOUNT OF $ -0-.

TESTE: A. W. Swanson, CLERK

Virginia
3-9-71

THIS TERMINATION AND RELEASE AGREEMENT, made this 15th day of November, 1971, by and between SOLITE CORPORATION (formerly Virginia Solite Corporation), a Virginia corporation, hereinafter referred to as "Solite", first party, and SPRAY WATER POWER AND LAND COMPANY, a North Carolina corporation, hereinafter referred to as "Spray", second party;

WHEREAS, by an Agreement between Spray and Southern Lightweight Aggregate Corporation, dated October 26, 1955, Spray did lease and demise unto Southern Lightweight Aggregate Corporation ("Southern") and grant unto Southern the exclusive right to excavate and remove materials from certain land shown on plats attached to said Agreement located in Rockingham County, North Carolina, and Pittsylvania County, Virginia, upon terms and conditions as set out in said Agreement; and

WHEREAS, by Agreement dated July 1, 1957, Southern assigned and transferred unto Solite all of Southern's right, title and interest of every kind and nature in and to and under the Agreement dated October 26, 1955, and Solite did assume all of Southern's obligations under the Agreement dated October 26, 1955; and

WHEREAS, under an Agreement dated April 22, 1964, between Spray and Solite, the Agreement of October 26, 1955 was amended in certain respects; and

WHEREAS, Spray has offered to sell and Solite has agreed to purchase certain real estate within the premises demised under the Agreement dated October 26, 1955, and, as part of the consideration therefor, Solite has agreed to release its rights and interest with respect to the land not so sold to Solite; as well as all other properties belonging to Spray.

NOW, THEREFORE, THIS TERMINATION AND RELEASE AGREEMENT WITNESSETH, that for and in consideration of the premises and the agreements of the parties as hereinafter set forth, and other good and valuable considerations, the receipt of which is hereby acknowledged by each of the respective parties hereto, Solite and Spray do hereby agree as follows:

1. Solite and Spray do hereby mutually agree each with the other that the lease agreement between the parties dated October 26 1955, as supplemented and amended by the agreement of April 22, 196 is hereby terminated and declared to be of no further force and effect for any purpose whatsoever.

2. Solite does hereby release unto Spray, its successors and assigns, any right, claim, or cause of action thatmay have heretofore arose or may hereafter arise, out of or as a result of the agreement between the parties, Solite and Spray, dated October 26, 1955, as amended, and in consideration of the release by Solite, Spray does hereby release Solite. Spray does hereby release unto Solite, its successors and assigns, any right, claim, or cause of action that may have heretofore arose or may hereafter arise,out of or as a result of the agreement between the parties, Spray and Solite, dated October 26, 1955, as amended, and in consideration of the release by Spray, Solite does hereby release Spray.

3. Solite does hereby affirm to Spray, its successors and assigns, that it has no further right, title and interest, except as to tracts or parcels of land conveyed by Spray to Solite by deed of even date herewith, in any of the real estate of Spray ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ located in Rockingham County, North Carolina, or Pittsylvania County, Virginia.

IN WITNESS WHEREOF, the first and second parties have each caused their corporate names to be signed hereunto and their corporate seals to be hereunto affixed and attested all as of the day and year first above written.

SOLITE CORPORATION

By _____

ATTEST:

_____

SPRAY WATER POWER AND LAND COMPANY

By _____

ATTEST:

Dorothy C. Thompson

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

The foregoing instrument was acknowledged before me this 1st day of November, 1971, by _____ and _____ and _____, respectively, of SOLITE CORPORATION, a Virginia corporation, on behalf of the corporation.

My commission expires: _____

_____
Notary Public

STATE OF NORTH CAROLINA

County OF Rockingham

The foregoing instrument was acknowledged before me this 15th day of November, 1971, by N P Bickham and Dorothy C Thompson, Assistant and Assistant Secretary, respectively, of SPRAY WATER POWER AND LAND COMPANY, a North Carolina corporation, on behalf of the corporation.

My commission expires: September 5, 1976

Ida Mae N Edwards
Notary Public

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF PITTSYLVANIA, ON THE 26 DAY OF May 1976 AT 1:30 THIS INSTRUMENT WAS WRITING UPON THE FIRST PAGE OF COUNTY DEED WAS ADMITTED TO RECORD. TAX UNDER SECTION 58.54 (a), and (b), HAVING BEEN PAID IN THE AMOUNT OF $

TESTE: L M Swanson CLERK

Duffy, Post, Deaton, Hawley, Watts & Law

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

Tax Map/Parcel ID #1336-30-1075
Title Insurance: None

This deed is exempt from Grantor's and Grantee's tax pursuant to Va. Code § 58.1-810(1).

THIS **DEED OF VACATION** made this the _____ day of _____, 202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation of the Commonwealth of Virginia**, **GRANTOR**, and **DONION W. WILSON and OLIVIA V. WILSON, GRANTEES**,

W I T N E S S E T H:

WHEREAS, Grantor holds certain easements across a parcel of real property located in Pittsylvania County, Virginia, identified as Parcel No. 1336-30-1075 (the "Property"), the first conveyed on May 20, 1955 and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 360, at page 311, and the second conveyed on February 23, 1971 and recorded in the aforesaid Clerk's Office in Deed Book 534, at page 628, (collectively the "Easements"); and

WHEREAS, Grantor no longer has any intended need for the Easements and desires to vacate the Easements in order to assist in the productive development of the Property; and

WHEREAS, Grantees are the owners of the Property and are desiring that the City vacate the Easements in order to facilitate the development of solar energy installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Easements.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(*Remainder of page intentionally left blank*)

WITNESS the following signatures and seals:

THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia

BY: _____
KEN F. LARKING
City Manager

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the _____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____
NOTARY PUBLIC

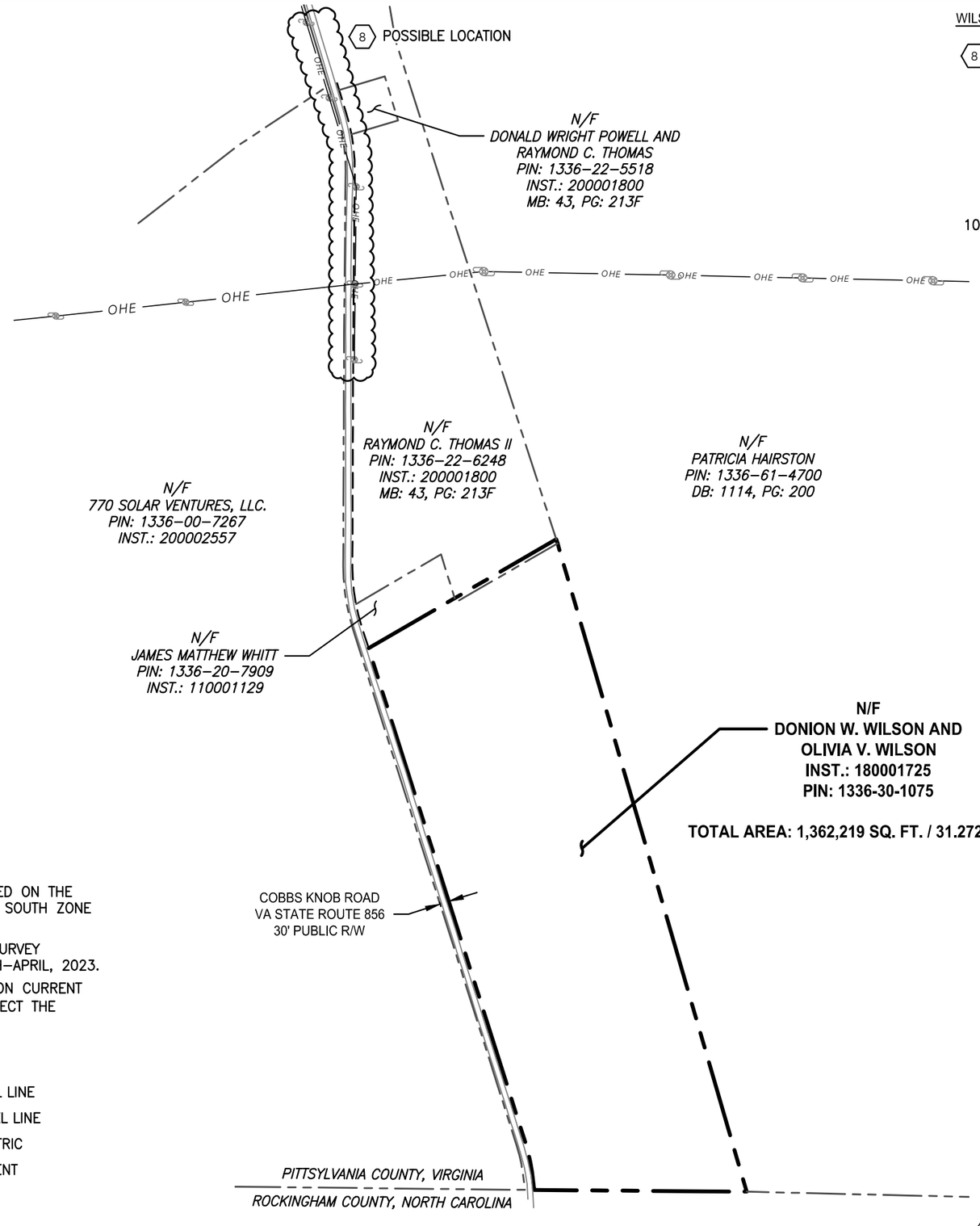
My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____
C. RYAN DODSON
Assistant City Attorney
VSB #90680

VIRGINIA STATE PLANE
NAD83(2011), ZONE SOUTH,
U.S. SURVEY FEET



WILSON - SCHEDULE B, PART II EXCEPTIONS

8 EASEMENT IN FAVOR OF THE CITY OF DANVILLE, ITS SUCCESSORS AND ASSIGNS SET FORTH IN INSTRUMENT, DATED MAY 20, 1955 AND RECORDED ON MAY 20, 1955 IN DEED BOOK 360, PAGE 311. *THIS IS A BLANKET EASEMENT FOR INSTALLATION AND MAINTENANCE OF ELECTRIC LINES ACROSS THE PROPERTY. AFTER INSPECTION OF THE DOCUMENT, IT APPEARS THE LINES RUN ALONG COBBS KNOW ROAD, ALTHOUGH THE EXACT LOCATION CANNOT BE CONFIRMED*

10. EASEMENT IN FAVOR OF THE CITY OF DANVILLE, ITS SUCCESSORS AND ASSIGN SET FORTH IN INSTRUMENT RECORDED ON FEBRUARY 23, 1971 IN DEED BOOK 534, PAGE 628. – *THIS IS A BLANKET EASEMENT FOR INSTALLATION AND MAINTENANCE OF ELECTRIC LINES ACROSS THE PROPERTY.*

SURVEY NOTES:

1. PLAN BEARINGS AND PLAN NORTH ARE BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE NAD83(2011), US SURVEY FEET.
2. BOUNDARY LINES ARE BASED ON A FIELD SURVEY PREFORMED BY GAI CONSULTANTS IN MARCH–APRIL, 2023.
3. NAMES OF ADJOINING OWNERS ARE BASED ON CURRENT PUBLIC RECORDS AND/OR DEEDS AND REFLECT THE ACCURACY THEREOF.

LEGEND:

- SUBJECT PARCEL LINE
- ADJOINER PARCEL LINE
- OHE — OVERHEAD ELECTRIC
- EXISTING EASEMENT
- EDGE OF ROAD
- UTILITY POLE

NO.	DATE:	DRAWN BY:	CHECKED BY:	APPROVED BY:	DESCRIPTION:

REVISION RECORD

this drawing was produced with computer aided drafting technology and is supported by electronic drawing files. Do not make this drawing for record drafting methods.

PLOT FILE: GAI.stb

DRAWING TITLE
PROPERTY EXHIBIT - DONION W. & OLIVIA V. WILSON

CLIENT
Dominion Energy
600 EAST CANAL STREET
RICHMOND, VIRGINIA 23219

GAI DRAWING NUMBER: E001

ALT. CLIENT DRAWING NUMBER:

gai consultants
ISSUING OFFICE: Pittsburgh | 385 E. Waterfront Drive, Homestead, PA 15120

PROJECT
MICHAUX SOLAR PROJECT
HENRY & PITTSYLVANIA COUNTIES
RIDGEWAY, VIRGINIA 24148

GAI FILE NUMBER: R201080-04-000-00-V-B2-PROP EXHIBIT_WILSON

DRAFT

© 2023 GAI Consultants

ISSUE DATE:	DRAWN BY:
05/15/2023	C.FORTNEY
SCALE:	CHECKED BY:
AS SHOWN	S.UBER
DWG TYPE:	APPROVED BY:
	V.PAPARELLA
REVISION	SHEET NO.:
	1 OF 1

GAI CAD FILE PATH: Z:\2020\V201080.04 – Dominion Energy–Michaux S\CAD\XDAD\SURV R201080–04\DWG\Exhibit\R201080–04–000–00–V–B2–PROP EXHIBIT_WILSON.dwg PLOTTED ON: 5/16/2023 8:47:29 AM PLOTTED BY: Christopher Fortney

THE BEMAC CORPORATION

By: _____ President (SEAL)

ATTEST: _____ Secretary

(CORPORATE SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

STATE OF NORTH CAROLINA

COUNTY OF DURHAM, to-wit:

I, _____, a Notary Public in and for the County of Durham, in the State of North Carolina, do hereby certify that J. S. Booth and E. S. Booth, President and Secretary respectively of The Bemac Corporation, whose names are signed to the writing above, bearing date on the 13th day of April, 1955, have acknowledged the same before me in my County and State aforesaid.

My commission expires MY COMMISSION EXPIRES FEB. 3, 1959

Given under my hand and official seal this 14th day of April, 1955.

(NOTARIAL SEAL)

_____ Notary Public

VIRGINIA:

In the Clerk's Office of the Circuit Court of Pittsylvania County on the 20 day of June, 1955, at 10 o'clock, A. M., the foregoing deed was admitted to record upon the certificate of acknowledgement endorsed hereon.

Teste:

_____ CLERK

Received of the City of Danville One Dollar, The receipt of which is hereby acknowledged, in consideration of which WE hereby grant unto said City, its successors and assigns, the right to erect, operate and maintain its electric lines, including necessary poles, anchors and fixtures upon and over the property which WE own in PITTSYLVANIA County, State of Virginia; To trim or cut any tree or trees so as to keep line and wires clear at least fifteen feet, and make such connections as are necessary to supply future users of electricity; Said sum being received in full payment therefor.

Witness OUR hand and seal this 20th day of MAY A.D. 1955.

Witness:

Irene Fagan

SPRAY WATER, POWER AND LAND CO. (Seal)

BY. W. H. Nelson Secy. Jr. (Seal)

(Seal)

This line will run north and south along the west side of Hwy. 856 for approximately one half mile south of Hwy. 622.

(Seal)

(Seal)

(Seal)

State of ~~Virginia~~ N. C. County of Rockingham to-wit:

I, Estelle Turner a Notary Public of N. C.

The State of ~~Virginia~~ in and for the County aforesaid, do hereby certify that W. H. Nelson

Whose name is signed to the within writing bearing date on the 20th day of May 1955 has acknowledged the same before me in my County and State aforesaid.

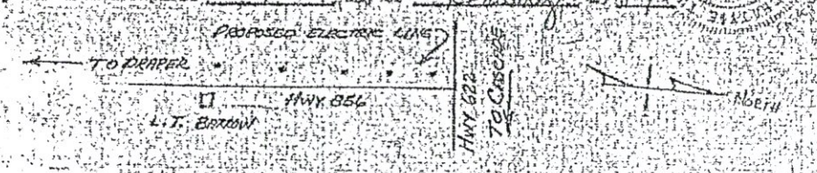
360/311 Rec 6/20/55

312

Given under my hand this 22nd day of May 1955

C. Walter Thomas
NOTARY PUBLIC

My Commission expires 1st day of February 19 57



VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF PITTSYLVANIA AT THE RULES HELD IN THE OFFICE THEREOF ON THE 20 DAY OF June 1955 AT 11 O'CLOCK A.M. THE FOREGOING Writing UPON ITS CERTIFICATE OF ACKNOWLEDGMENT WAS ADMITTED TO RECORD.

TESTE: C. C. Thomas CLERK

Received of the City of Danville One Dollar, The receipt of which is hereby acknowledged, in consideration of which we hereby grant unto said City, its successors and assigns, the right to erect, operate and maintain its electric lines, including necessary poles, anchors and fixtures upon and over the property which we own in Pittsylvania County, State of Virginia; To trim or cut any tree or trees so as to keep line and wires clear at least fifteen feet, and make such connections as are necessary to supply future users of electricity; Said sum being received in full payment therefor.

Witness our hand and seal this 10th day of February A.D. 1955,

SURREY-HILLS DEV. COMPANY

Witness:

Chas Flora (Seal)

Paul W. Mengel (Seal)

(Seal)

(Seal)

State of Virginia County of Pittsylvania to-wit:

I, O. A. Shelhorse a Notary Public of The State of Virginia in and for the County aforesaid, do hereby certify that Chas Flora, Paul W. Mengel

whose names are signed to the within writing bearing date on the 10th day of FEBRUARY 1955 have acknowledged the same before me in my County and State aforesaid.

Given under my hand this 9th day of JUNE 1955

O. A. Shelhorse Notary Public

My Commission expires 2nd day of July 1957

mail City Danville 6-24-55

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF PITTSYLVANIA AT THE RULES HELD IN THE OFFICE THEREOF ON THE 20 DAY OF June 1955 AT 11 O'CLOCK

340/312

Council Letter
City of Danville, Virginia

CL - 704 **NEW BUSINESS D.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of the Vacation of an Electric Utility Easement on Parcel No. 1376-15-5690 in Pittsylvania County.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

1. Public Hearing

2. A Resolution Authorizing the Abandonment of an Unused and Unneeded City Easement Across Property in Pittsylvania County.

SUMMARY

City Staff is seeking approval to release an unused electric easement on Michaux Road on Parcel No. 1336-30-1075 in Pittsylvania County.

BACKGROUND

The City holds an unused electric utility easement on Parcel No. 1376-15-5690 located on Berry Hill Road in Pittsylvania County. Dominion Power has requested that the City vacate the unused easement for a potential solar farm. The City has no need to maintain the easement for the original intended purposes.

RECOMMENDATION

Staff recommends vacating the easement on Parcel No. 1376-15-5690 on Berry Hill Road in Pittsylvania County.

Attachments

1. Resolution
2. Deed of Vacation
3. Parcel

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 ____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF AN UNUSED AND UNNEEDED CITY EASEMENT ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

WHEREAS, the City of Danville holds an unused utility easement upon a parcel of real property located in Pittsylvania County identified as Parcel No. 1376-15-5690 (the "Property"); and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing easement on the Property; and

WHEREAS, the owner of the Property wishes for the City to vacate and abandon its unused easement upon the Property to facilitate the development of solar facilities;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the easement across the above-referenced Pittsylvania County Parcel, said easement identified in the attached Schedule "A"; and

BE IT FURTHER RESOLVED that the City Manager, Kenmeth F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easement.

Approved:

_____

Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Schedule "A"

A permanent easement for the erection, operation, and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #1376-15-5690, and presently owned by Virginia Electric & Power Company, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated June 28, 1949, in Deed Book 306, at page 165.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above-reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

This deed is exempt from Grantor's and Grantee's tax pursuant to Va. Code § 58.1-810(1).

Tax Map/Parcel ID #1376-15-5690
Title Insurance: None

THIS **DEED OF VACATION** made this the _____ day of _____, 202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation of the Commonwealth of Virginia**, **GRANTOR**, and **VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia corporation, GRANTEE**,

W I T N E S S E T H:

WHEREAS, Grantor holds a certain easement across a parcel of real property located in Pittsylvania County, Virginia, identified as Parcel No. 1376-15-5690 (the "Property"), conveyed on June 28, 1949 and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 306, at page 165 (the "Easement"); and

WHEREAS, Grantor no longer has any intended need for the Easement and desires to vacate the Easement in order to assist in the productive development of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City vacate the Easement in order to facilitate the development of solar energy installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(*Remainder of page intentionally left blank*)

WITNESS the following signatures and seals:

THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia

BY: _____
KEN F. LARKING
City Manager

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the _____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____
NOTARY PUBLIC

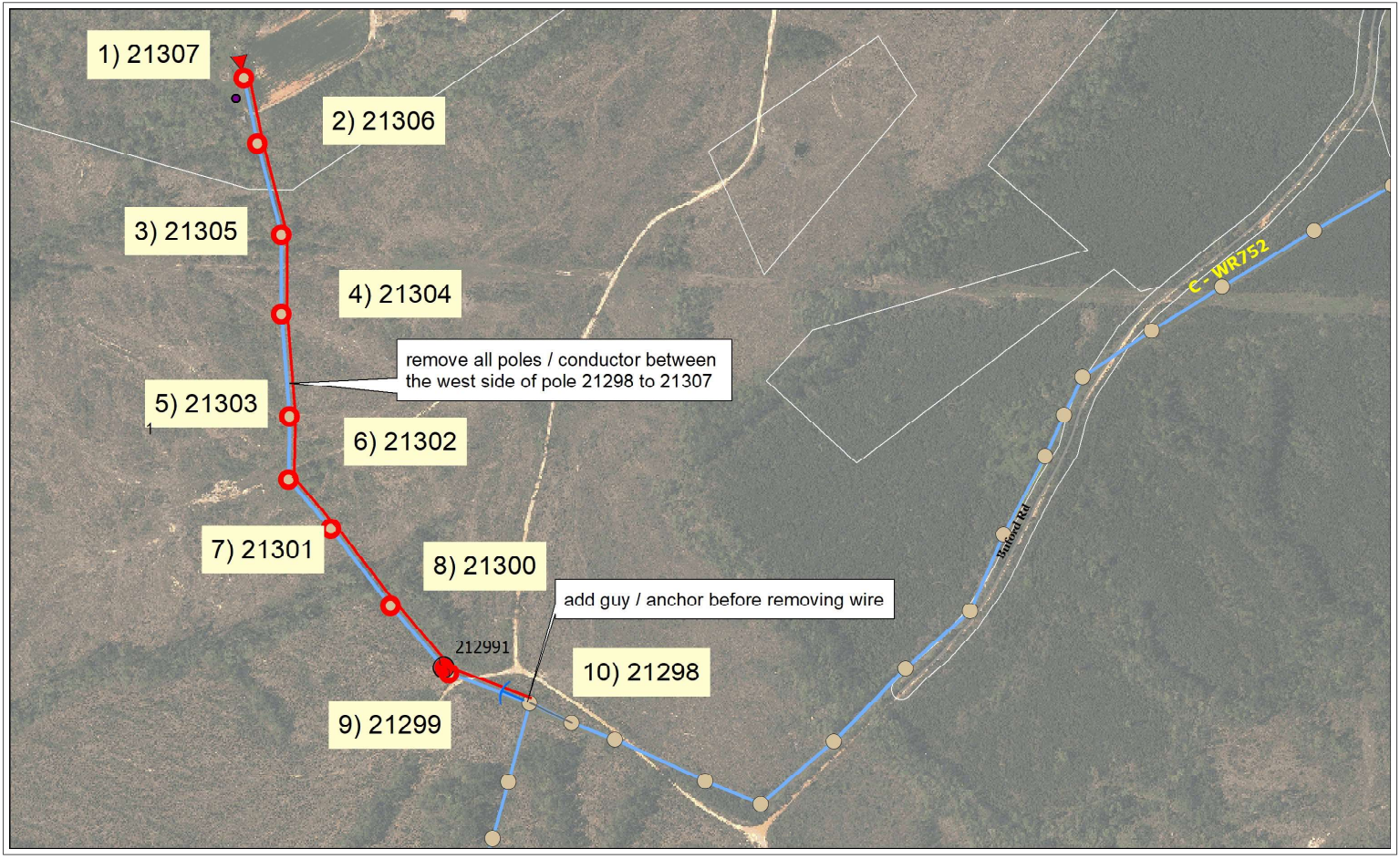
My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____
C. RYAN DODSON
Assistant City Attorney
VSB #90680

Work Order ID:	364006	Address:	3028 Berry Hill Rd	Initiated By:	Holley, Caleb	Date:	
Category:	U-PL	General Location:		Submitted To:	Meadows, Joe		
Asset:		Priority:		Staked By:	Holley, Caleb	Date:	03/07/2023
Description:	Misc. work	Account:	238141 PTFCnty	Feeder:	WR752		
Status:		Project:					



Council Letter
City of Danville, Virginia

CL - 762 **NEW BUSINESS E.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of a Revised Danville-Pittsylvania County Cost and Revenue Sharing Agreement.

From: Corrie Bobe, Director of Economic Development and Tourism

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COUNCIL ACTION

A Resolution Approving and Authorizing an Amendment to the Revenue Sharing Agreement Between the City of Danville, Virginia and the County of Pittsylvania, Virginia Relating to the Sharing of Revenue from Financial Compensation Generated by any Future Solar Siting Agreements, in Lieu of a Local Tax, for Projects Located Within a Regional Park.

SUMMARY

The proposed amendment to the Danville-Pittsylvania Regional Industrial Facility Authority's Cost and Revenue Sharing Agreement expands the agreement to include financial compensation generated by any future solar siting agreements, in lieu of a local tax, for projects located within a regional park.

BACKGROUND

The City of Danville and Pittsylvania County partnered in 2001 to create the Danville-Pittsylvania Regional Industrial Facility Authority (RIFA). As part of RIFA's formation, both locales were required to adopt by-laws and ordinances that dictate a 50/50 Cost and Revenue Sharing Agreement for all non-utility related revenues and expenses for projects and assets located within the Southern Virginia Megasite at Berry Hill, Cane Creek Centre, and Cyber Park. These by-laws and ordinances did not include considerations for sharing in the cost or revenue related to solar or battery storage facilities. This revision is to add such projects to the cost and revenue sharing provisions.

RECOMMENDATION

Staff recommends that City Council approve the proposed revisions to the Cost and Revenue Sharing Agreement between the City of Danville and Pittsylvania County.

Attachments

1. Resolution
2. Amendment to Cost-Revenue Sharing Agreement

PRESENTED:_____

ADOPTED:_____

RESOLUTION NO. 2023-_____._____

A RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO THE REVENUE SHARING AGREEMENT BETWEEN THE CITY OF DANVILLE, VIRGINIA AND THE COUNTY OF PITTSYLVANIA, VIRGINIA RELATING TO THE SHARING OF REVENUE FROM FINANCIAL COMPENSATION GENERATED BY ANY FUTURE SOLAR SITING AGREEMENTS, IN LIEU OF A LOCAL TAX, FOR PROJECTS LOCATED WITHIN A REGIONAL PARK.

WHEREAS, the City of Danville and Pittsylvania County have formed a Regional Industrial Facility Authority; and

WHEREAS, one of the main focuses of the Regional Industrial Facility Authority is to develop and manage regional industrial parks; and

WHEREAS, it is anticipated that revenues generated from these regional industrial parks will be shared equally between the two localities; and

WHEREAS, the Council has determined that economic cooperation with Pittsylvania County and the sharing of revenues from the industrial parks enhances and promotes economic development in the region and benefits the health, safety, welfare, convenience, and prosperity of the citizens of the City of Danville; and

WHEREAS, the City and County wish to amend the Revenue Sharing Agreement by adding language to include the sharing of revenue from financial compensation generated by any future solar siting agreements, in lieu of a local tax, for projects located within a regional park.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, the Revenue Sharing Agreement by and between the City of Danville and the County of Pittsylvania, substantially in the form attached hereto and incorporated

herein by reference, be, and the same is hereby amended to include language to include the sharing of revenue from financial compensation generated by any future solar siting agreements, in lieu of a local tax, for projects located within a regional park; and

BE IT FURTHER RESOLVED that the City Manager, or his designee, be, and he is hereby, authorized and directed to execute such Revenue Sharing Agreement on behalf of the City.

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

AMENDMENT TO REGIONAL INDUSTRIAL FACILITY AUTHORITY AGREEMENT FOR COST SHARING AND REVENUE SHARING BETWEEN THE CITY OF DANVILLE, VIRGINIA AND PITTSYLVANIA COUNTY, VIRGINIA

THIS AMENDMENT TO REGIONAL INDUSTRIAL FACILITY AUTHORITY AGREEMENT FOR COST SHARING AND REVENUE SHARING BETWEEN THE CITY OF DANVILLE, VIRGINIA AND PITTSYLVANIA COUNTY, VIRGINIA (this "**Amendment**"), is made and entered into on _____, 2023, by and between the **CITY OF DANVILLE, VIRGINIA**, a municipal corporation within the Commonwealth of Virginia (the "**City**") and the **COUNTY OF PITTSYLVANIA, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "**County**").

RECITALS:

WHEREAS, each of the City and the County is a member locality (each, a "**Member Locality**", and collectively, the "**Member Localities**") of the Danville-Pittsylvania Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia (the "**Authority**");

WHEREAS, the Member Localities executed that certain Agreement for Cost Sharing and Revenue Sharing dated as of October 2, 2001 (the "**Original Cost-Revenue Sharing Agreement**"), which was amended by the Member Localities on November 6, 2008 (the "**Cost-Revenue Amendment**"), which was further modified by that certain letter agreement dated as of June 29, 2012 (the "**Cost-Revenue Letter Agreement**") (the Original Cost-Revenue Sharing Agreement, the Cost-Revenue Amendment and the Cost-Revenue Letter, collectively, the "**Cost-Revenue Agreement**"); and

WHEREAS, the Member Localities desire to clarify and to further amend the Cost-Revenue Agreement as set forth in this Amendment.

W I T N E S S E T H :

That for and in consideration of the mutual benefits inuring to each of the localities hereto, and in further consideration of the duties and responsibilities hereby imposed upon the parties hereto, the parties do hereby covenant and agree as follows:

1. Generally.

a. Defined Terms. Any capitalized terms used herein and not defined herein shall have such meaning set forth in the Cost-Revenue Agreement. The term "**financial compensation**" shall have such as meaning as set forth in Virginia Code § 15.2-2316.7, as may be amended, or successor provision.

b. Textual Edits. For the purposes of textual revisions to the Cost-Revenue Sharing Agreement as set forth in this Amendment, whenever existing language is to be amended, the text of the existing provision will appear in Paragraph 2 below as follows: (A) additions shall be indicated with italic double underlined font; and (B) deletions shall be indicated with strikeouts.

2. Amendments to the Cost-Revenue Agreement.

a. Section 2.H of the Cost-Revenue Agreement is hereby amended as follows:

H. Income and revenues generated by any facility owned by the Authority: "Income and revenues generated by any facility owned by the Authority" shall be defined as *(i)* any and all identifiable tax revenues generated *from property owned currently or at some time by the Authority, which may have been sold, leased, conveyed or transferred to any third party or (ii) any and all financial compensation paid to a Member Locality pursuant to a solar siting agreement* from property owned currently or at some time by the Authority, which may have been sold, leased, conveyed or transferred to any third party.

b. Section 13 of the Cost-Revenue Agreement is hereby amended as follows:

13. SHARING OF MISCELLANEOUS TAX REVENUES *OR FINANCIAL COMPENSATION PAID TO A MEMBER LOCALITY PURSUANT TO A SOLAR SITING AGREEMENT*.

Once one or more industries or businesses have located within one of the Regional Industrial Facilities, the host locality will begin to realize tax revenues from business license tax, meals tax, lodging tax and any alcohol tax or any income and revenue*, or any other financial compensation pursuant to a solar siting agreement* generated by any facility owned by the Authority as defined in this Agreement. The host locality alone shall determine the tax rates for these taxes *or the rates of financial compensation pursuant to a solar siting agreement* and their due dates. Upon receipt, the host locality shall appropriate the total taxes or *financial compensation* so received from these industries located in the Regional Park and will pay one-half (1/2) thereof to the non-host locality while retaining the other one-half (1/2). The parties further agree that should the General Assembly of the State of Virginia authorize a locality to levy and collect a new local tax *or permit financial compensation arrangements paid to a locality in lieu of a local tax* and should the host locality choose to implement such future tax *or future financial compensation arrangement in lieu of a local tax* on property, then the parties agree that such new tax revenues *or revenues pursuant to a new financial compensation arrangement in lieu of a local tax* realized from a joint regional authority will be shared equally in the same manner and

fashion as other taxes *or compensation arrangements* within this Agreement.

c. Section 14 of the Cost-Revenue Agreement is hereby amended as follows:

14. PAYMENT OF TAX REVENUES *OR FINANCIAL COMPENSATION REVENUES*.

The host locality shall pay the portion of tax revenues due to the non-host locality within sixty (60) days of receipt and appropriation of such tax revenues. *In the event of financial compensation revenues received by the host locality pursuant to a solar siting agreement, the host locality shall apply to or for the development or improvement of a Regional Industrial Facility, the amount of which shall be credited under this Agreement as being made one-half (1/2) by the host locality and made one-half (1/2) by the non-host locality.* If any tax delinquencies occur, the non-host locality will pay for one-half of the cost of collecting past due taxes, and will receive one-half of the penalties and interest accrued and paid. *If any such financial compensation delinquencies occur, the cost of collecting past due financial compensation revenues shall be deemed to be a project cost to be shared by the Member Localities under Paragraph 6 of this Agreement*.

3. Effect on the Cost-Revenue Agreement. Except as amended in this Amendment, all other terms, provisions, and conditions of the Cost-Revenue Agreement shall remain in full force and effect, and the parties hereby ratify and confirm that the Cost-Revenue Agreement, as further amended by this Amendment, is and remains in full force and effect.

4. Counterparts. This Amendment may be executed in one (1) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Amendment. This Amendment may be delivered by portable document format (*.pdf) and upon such delivery, the *.pdf signature shall be deemed to have the same effect as if the original signature had been delivered to the other party or parties.

[SIGNATURES ARE ON THE FOLLOWING PAGE.]

IN WITNESS THEREOF, this **AMENDMENT TO REGIONAL INDUSTRIAL FACILITY AUTHORITY AGREEMENT FOR COST SHARING AND REVENUE SHARING BETWEEN THE CITY OF DANVILLE, VIRGINIA AND PITTSYLVANIA COUNTY, VIRGINIA** is executed on behalf of the City of Danville, Virginia, pursuant to action duly taken by the City Council by the City Manager; and on behalf of Pittsylvania County Board of Supervisors by its Chairman, pursuant to action duly taken by the Pittsylvania County Board of Supervisors.

THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation within the Commonwealth of Virginia

By: _____
Kenneth F. Larking, City Manager

ATTEST:

_____
Susan M. DeMasi, Clerk

Approved as to Form:

_____
J. Vaden Hunt
County Attorney
Pittsylvania County, Virginia

THE COUNTY OF PITTSYLVANIA, VIRGINIA, a political subdivision of the Commonwealth of Virginia

By: _____
Darrell W. Dalton, Chairman
Board of Supervisors

ATTEST:

_____
Kaylyn McCluster
Clerk of the Board of Supervisors

Approved as to Form:

_____
W. Clarke Whitfield, Jr.
City Attorney
City of Danville, Virginia

ACKNOWLEDGED AND NOT OBJECTED TO:

DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY,
a political subdivision of the Commonwealth of Virginia

By: _____
J. Lee Vogler, Jr.
Chairman

Council Letter
City of Danville, Virginia

CL - 714 **NEW BUSINESS F.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for the Creative Communities Art Grant.

From: Charlene Presley, Division Director - Special Recreation

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COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of $4,500, and to Provide for the Local Share in the Amount of $5,000 for a Total Grant of $9,500.

FIRST READING

SUMMARY

In the past, the City of Danville has participated in the Creative Communities Partnership Grant, formerly known as the Local Challenger Grant, through the Virginia Commission for the Arts. The City has received notification from the Commission that a grant of $4,500 has been awarded for Fiscal Year 2024.

BACKGROUND

The local match of $5,000 has been provided to local arts organizations. Some of the local groups that have been assisted under this program over the years include: the Danville Area Choral Arts Society, Danville Museum of Fine Arts and History, Danville Symphony Orchestra, and the Danville Concert Association. The advertising for availability of funding will begin immediately. A Public Notice will be advertised on August 23, 2023, soliciting applications. Agencies listed above will be sent letters advising them of the funding opportunity and informing them that they must complete an application. The applications are due back no later than October 1, 2023. City staff reviews the applications and makes award recommendations to the local arts grant taskforce, who vote on final awards. Award recipients are notified by letter of their grant amount, and funds must be spent prior to June 30, 2024.

RECOMMENDATION

Staff recommends the City Council adopt the accompanying Ordinance providing funds for a Creative Communities Partnership Grant from the Virginia Commission for The Arts, and required share.

Attachments

1. Ordinance

PRESENTED:_____

ADOPTED:_____

ORDINANCE NO. 2023-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT IN THE AMOUNT OF $4,500, AND TO PROVIDE FOR THE LOCAL SHARE IN THE AMOUNT OF $5,000 FOR A TOTAL GRANT OF $9,500.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2024 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for a grant in the amount of $4,500 from the Commonwealth of Virginia, Virginia Commission for the Arts, and the local share of the grant in the amount of $5,000, all for its support of local arts, such funds to be appropriated in the Special Grants fund and to be as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Virginia Commission for the Arts Categorical Aid - State	60139000-47520	$ 4,500
Local Share Transfer from General Fund	60139000-6101	$ 5,000
	TOTAL	$ 9,500

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Virginia Commission for the Arts	60139999-50	$ 9,500

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Council Letter
City of Danville, Virginia

CL - 740 **NEW BUSINESS G.**

City Council REGULAR MEETING

Meeting Date: August 15, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for an Aviation Promotion Grant.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of $5,000 and for the Local Share in the Amount of $5,000 to be Provided by the General Fund Support of Grants for a Total Appropriation of $10,000 and Appropriating Same.

FIRST READING

SUMMARY

The Virginia Department of Aviation's Airport Promotion Program helps to promote aviation across the state by raising awareness in the business and public sectors about the programs and services provided, and the economic benefits generated by Virginia airports. Under the Airport Promotion Program, the annual ceiling for non-commercial service airports is $10,000. The state's maximum participation rate for the Danville Regional Airport is fifty percent. The Virginia Department of Aviation informed the City of Danville in July that a Fiscal Year 2024 grant has been approved to update the airport's promotional video, which can be accessed by visiting the airport's webpage, www.danvilleregionalairport.com .

BACKGROUND

The Danville Regional Airport received an aviation promotion grant three years ago that was used to subsidize the cost of producing a video to improve awareness of the airport; this video can be viewed by visiting the airport's webpage. The Airport Commission recommended pursuing additional grant funding during Fiscal Year 2024 to update the video to reflect the improvements completed at the airport since the original video was produced. Plans call for contracting with a video production company to complete the video. A drone operator will also complete aerial imagery of the airport that will be included as part of the video.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating Aviation Promotion grant funds to update the airport's promotional video.

Attachments

1. Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A STATE DEPARTMENT OF AVIATION GRANT FOR THE PURPOSE OF PROVIDING FUNDING TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF $5,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF $5,000 TO BE PROVIDED BY THE GENERAL FUND SUPPORT OF GRANTS FOR A TOTAL APPROPRIATION OF $10,000 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the 2024 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for a grant from the Commonwealth of Virginia, Department of Aviation, in an amount of $5,000 for promotion activities at the Danville Regional Airport, and the local share for said grant in an amount of $5,000 to be provided by the General Fund Support of Grants for an aggregate amount of $10,000, such funds to be appropriated as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
FY24 Aviation Promotion Grant Categorical Aid - State	61880000-45712	$ 5,000
Local Share Transfer from General Fund	61880000-6101	$ 5,000
	TOTAL	$ 10,000

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
FY24 Aviation Promotion Grant	61880999-50	$10,000

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the 2024 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney